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THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE
AND SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 19 December 1991 from the representatives of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the "Tegucigalpa Declaration" (annex I), the "Tegucigalpa Commitment" (annex II) and the "Tegucigalpa Protocol" (annex III), adopted by the Presidents of the Central American countries at the eleventh summit meeting, held on 12 and 13 December 1991. 1/

We should be grateful if you would have this letter and the annexes thereto circulated as a document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Cristián TATTENBACH
Ambassador
Permanent Representative of Costa Rica
to the United Nations

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative of
El Salvador to the United Nations

(Signed) Rafael CASTELLANOS-CARRILLO
Ambassador
Alternate Representative of Guatemala
to the United Nations
Chargé d'affaires a.i.

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative of
Honduras to the United Nations

(Signed) Roberto MAYORGA-CORTES
Ambassador
Permanent Representative of Nicaragua
to the United Nations

(Signed) César PEREIRA BURGOS
Ambassador
Permanent Representative of
Panama to the United Nations

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ANNEX I

Tegucigalpa Declaration

The Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, along with the Prime Minister of Belize in the capacity of observer, meeting at Tegucigalpa, Republic of Honduras, on 12 and 13 December 1991, to consider the political, economic and social challenges facing the region and to seek solutions, on the basis of their fundamental affinities, which may satisfy the aspirations and legitimate demands of the Central American peoples;

Aware that the Central American peoples aspire to a democracy in which political pluralism, human rights and civil liberties constitute the basis of collective consensus;

Convinced that in order to strengthen firm and lasting peace in Central America, it is essential to ensure adequate living conditions for our peoples, and that human development and the elimination of social inequalities are fundamental challenges in the consolidation of Central America as a region of peace, freedom, democracy and development;

Taking into account the geographical unity of the isthmus, the existence of a Central American identity and the need to promote the economic and social development of the region through a new blueprint for integration;

HEREBY AGREE:

1. To reiterate the importance of the "Esquipulas procedure", which, as a single, harmonious and indivisible whole, has promoted the process of peace and democracy in the Central American isthmus which is essential for sustainable development of the region aimed at the full self-realization of the individual.

2. To reaffirm their conviction of the need to achieve firm and lasting peace in the region through the consolidation of the rule of law, the strengthening of democratic institutions, unconditional respect for human rights and reconciliation within societies through open, frank and constructive dialogue.

3. To stress the importance of the "Tegucigalpa Commitment" aimed at the human development of all Central Americans with special emphasis on children and youth.

4. To welcome as a momentous event in relations among Central American States the signing in this city of the Protocol to amend the Charter of the Organization of Central American States (ODECA), which marks the establishment of the "Central American Integration System" covering the entire organic

structure of the region in order to achieve integration in all areas, ensuring follow-up of the decisions of the Meeting of Presidents and coordinating their implementation with a view to making Central America a region of peace, freedom, democracy and development.

To name that agreement the "Tegucigalpa Protocol" in recognition of the hospitality of the city in which it was negotiated and signed.

5. To receive the report submitted by the Security Commission regarding the work being carried out to conclude an agreement on security, verification, and the control and limitation of arms and military forces in the region.

6. The Presidents of Costa Rica, Guatemala, Honduras, Nicaragua and Panama welcome the progress made in the peace process which, under the auspices of the Secretary-General of the United Nations, is taking place in the sister Republic of El Salvador. They also express their hope that in the next round of talks, to be held in New York, a final agreement can be signed to put an end to the armed conflict in El Salvador and integrate FMLN into the country's civilian, institutional and political life, following its disarmament and demobilization as an irregular armed group, so that the Salvadorian people can attain the peace and tranquillity they so deeply desire. They also reiterate their firm support for President Alfredo F. Cristiani in his policy of pursuing peace and of seeking, through dialogue, political agreements to benefit everyone and to consolidate democracy, protect civilian rights and secure reconciliation within Salvadorian society.

7. The Presidents of Costa Rica, El Salvador, Honduras, Nicaragua and Panama reiterate their support for President Serrano's plan for a comprehensive peace, and express their satisfaction at the progress achieved, which augurs well for early reconciliation within Guatemalan society through the peaceful reintegration of the irregular forces into civilian and political life within a constitutional framework.

8. In confirming their solidarity with the peace processes under way in El Salvador and Guatemala, they urge international organizations to join together and support the efforts of those Governments to secure an end to the armed conflicts as a vital requirement for the well-being and development of the children, youth and women living in areas afflicted by violence; at the same time, they recommend that those organizations should plan activities to help the international community to understand the efforts the Governments have made despite the aggression perpetrated against them, and should provide the necessary support to enable them to strengthen and expand their programmes to help the peoples affected by the conflicts.

They express their deep concern that the good faith of some humanitarian organizations has been abused in order to secure assistance which, unfortunately, has prolonged the futile and inhuman struggle over the years; they therefore recommend that international bodies serve as agents of information about the real situation of those countries so as to ensure that

the support secured from outside the region by irregular armed groups does not continue to be used to inflict even more damage on the already precarious economic and social structures of those countries.

9. To express their gratitude to the Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, for his continued efforts in support of the Esquipulas process.

To express satisfaction at the recent election of Mr. Boutros Boutros Ghali as the new Secretary-General of the United Nations, which augurs well for success in the management of the Organization and the attainment of its lofty purposes.

10. To express their satisfaction at the recent inauguration of the Central American Parliament, which will enable it to fulfil its role as a regional forum for deliberations, analysis and recommendations so as to contribute to the consolidation of peace, full democracy and global integration.

To express appreciation for and take note of the valuable recommendations submitted by the Central American Parliament regarding human development in the region; the education of youth; highway security to protect persons and goods being transported on roads in the isthmus; and the need to protect the interests of Central American immigrants abroad, particularly in the United States of America.

11. To express their satisfaction at the recent opening of the Central American Institute on the Law of Integration (INCADI), established by agreement of the Central American Higher University Council (CSUCA), which will have its headquarters at the Autonomous National University of Honduras, and will develop the legal framework to protect the integration relationship among all the States of the region and the cooperation relationship between those States and third countries.

12. To support the convening of the second international meeting of the Follow-up Committee of the International Conference on Central American Refugees (CIREFCA), to be held in El Salvador in April 1992, and to call upon the international community to maintain and broaden support for the priority programmes and projects formulated and submitted by the Central Americans within the context of the implementation of the Plan of Action adopted in May 1989.

13. To instruct the Presidents of the Central Banks of the region, jointly with the Permanent Central American Commission for the eradication of the production, consumption, trafficking and abuse of drugs and psychotropic substances and related crimes, to consider the problem of money laundering and propose solutions.

14. To stress the importance of the processes of decentralization aimed at strengthening local governments and broadening their powers in order to

respond in an immediate manner to the social demands of the peoples of the isthmus.

15. To declare that in view of the complex economic and social crisis of the region, as well as the urgent need to promote the comprehensive development of the Central American peoples, international cooperation is required at all times.

16. To stress the need to accelerate the implementation of regional initiatives aimed at bringing about the integration of the Central American community to which we all aspire. Attainment of this objective calls for sustained dialogue and greater cooperation by the international community.

In this connection, we welcome the renewed commitment of the Inter-American Development Bank to a programme that is specially designed to promote integration and regional development in the Central American isthmus and to coordinate a Regional Consultative Group, and we look forward to the results of the programme.

17. To point out that the availability of new concessional resources is becoming a vital element in the financing of public investment, particularly in the social fields, which is indispensable for achieving the objectives of equitable development which our Governments of the isthmus have set, especially since the present nature of the external debt imposes severe burdens on our public finances.

To appeal to the Governments members of the Inter-American Development Bank to consider the question of the availability of fresh concessional resources during the annual meeting of the Board of Governors to be held in the Dominican Republic in April 1992.

18. To urge the Contracting Parties to GATT, in particular the countries of the European Community, to include bananas in the negotiations on agricultural commodities in the Uruguay Round, considering the vital importance of this product to the Central American region. In view of the new trade regime that will emerge after the establishment of the single European market in 1993, it is the desire of our countries that access to that market should be in accordance with the rules and regulations of the General Agreement on Tariffs and Trade, with due regard to the interests of the African, Caribbean and Pacific countries, the countries of the European Community and of European consumers.

19. To express their satisfaction at the adoption, by the Ministers responsible for Central American economic integration and regional development, of the harmonized tariff system, which is an indispensable mechanism for the integration of the isthmus and for facilitating the involvement of the Central American economy in international trade.

20. To reaffirm the importance of the Economic Complementarity Agreement between Mexico and the Central American countries, signed at Tuxtla Gutiérrez, and, in order to accelerate the establishment of a free-trade zone between the two regions, to instruct the Ministers responsible for Central American economic integration and regional development to harmonize all trade-related instruments, such as rules of origin, anti-dumping laws and other instruments of trade policy, in order to ensure that there is compatibility and the necessary coordination in the negotiations, and to help define the framework for negotiations aimed at reaching agreement on the goal of a free-trade zone.

21. To express their satisfaction at the holding of the first joint meeting between representatives of the Governments of Venezuela and Central America to implement the programme of trade liberalization contained in the bases for a framework agreement on trade and investment between Venezuela and the Central American countries. To express, also, the hope that the Government of Venezuela will take appropriate action to bring about, at an early date, the establishment of a free-trade zone.

22. To welcome the significant progress made by the Central American Bank for Economic Integration in strengthening institutional and financial structures. To express their satisfaction at the adoption and ratification by all the Central American countries of the Protocol amending the Bank's Charter, which facilitates the incorporation of members from outside the region, thereby strengthening the Bank as a regional financial institution and a forum for consultation and cooperation between sources of external funding and Central American countries, in the implementation of priority programmes and projects in the field of economic and social development.

To welcome the arrangements being made by the Bank with the United Nations aimed at the establishment of a trust fund for social projects in the Bank. We also appeal to the cooperating countries to support the establishment of such a fund.

23. To instruct the Ministers responsible for Central American economic integration and regional development and the competent authorities of Panama to elaborate mechanisms for dismantling the non-tariff barriers which prevent smooth trading relations between Panama and the remaining countries that make up the Central American isthmus.

24. To draw attention to the significant progress achieved by the European communities in seeking to ensure that the preferential treatment granted to Andean exports is extended to the Central American countries.

25. To instruct the competent authorities in the energy sector to design a policy for hydroelectric development in the region within a period no greater than three months and, particularly, to identify hydroelectric and distribution projects which they could promote. To instruct them further to elaborate a strategy to promote the financing of these regional projects with the participation of the private sector, both in Central America and from

outside the region, with the benefit of international cooperation, and in harmony with the electric power connecting project sponsored by the Group of Three within the framework of SIPAC, for the general purpose of meeting the future energy needs of the region, reducing energy costs, and, particularly, increasing the exportable supply of electricity services to countries outside the region.

26. To express their satisfaction at the ratification, by the Sovereign National Congress of Honduras, of the temporary multilateral free trade agreement between the Republic of Honduras and the Republics of Guatemala, El Salvador, Costa Rica and Nicaragua, and to urge the competent authorities of the other countries to ratify the agreement as early as possible.

27. To express their satisfaction at the signing of the Framework Agreement on Trade and Investment by all the countries of the region and the United States of America, under the Americas Initiative, and to urge both sides to maintain the momentum in order to ensure the early implementation of those agreements within the limits placed on the executive branch by the United States Congress. Central America will act as a region, without prejudice to any bilateral progress which countries may achieve on an individual basis.

28. To underscore the importance of the Meeting of Ministers of Economic Affairs of the countries of the Central American isthmus, and to urge the participants in that Meeting to establish the mechanisms and guidelines for a harmonious and consistent approach to macroeconomic policies.

29. To express their satisfaction at the progress achieved by SIECA in strengthening institutional structures, in keeping with its lead role as the secretariat for economic integration within Central America. In that connection, they urge the international community to help strengthen its technical and financial base.

30. To decide that the Regional Social Affairs Committee should comprise the first ladies of Central America and a minister in the social field designated by the President of the Republic.

The Committee shall have the following functions:

(a) To coordinate at the regional level the efforts of the Ministry of Social Affairs of each country;

(b) To follow up the social-affairs mandates emanating from the summit meetings, and to ensure that they are effectively fulfilled; and,

(c) To evaluate the progress reports presented by the Ministries of Social Affairs, and to submit them in consolidated form, with its observations and recommendations, to the Executive Commission for its consideration at the summit meetings.

To support the Regional Council for the General Welfare of Disabled Minors, established by the Regional Social Affairs Committee and, in that connection, to underscore the importance of programmes for minors in special circumstances. In that regard, to instruct the competent ministers of the respective countries to design and adopt flexible and timely financial mechanisms for the implementation of those programmes.

31. To acknowledge the progress made in implementing the Plan of Action for Agriculture in Central America, and to urge the ministers responsible for Central American economic integration and regional development and for agriculture to implement the Plan.

32. To reiterate the importance, as a mechanism for regional cooperation, of the Association for Democracy and Development in Central America, a forum that brings together Central American countries and partners from outside the region for dialogue aimed at providing a package of projects which the Central American countries would present as priority projects for strengthening their democratic institutions and for promoting the economic and social development of the region.

To welcome the documents emanating from Working Group I: Democracy, and Working Group II: Development, in which Central America defines its priorities and its requirements in those areas, with a view to their presentation of the Plenary Assembly to be held at Ottawa, Canada, in January 1992, reaffirming the principles which guide the work of the Association in relation to Central America, as contained in the annexes to the document.

33. To stress the importance of the convening of the first ministerial meeting between the States members of the Caribbean Community (CARICOM) and the Central American countries, to be held at San Pedro Sula on 29, 30 and 31 January 1992.

34. To express pleasure at the visit of the Minister for Foreign Affairs of the Republic of China, heading a delegation on the occasion of the the summit meeting, as an indication of his country's interest in contributing to the development of the region. To note their satisfaction at the inclusion of the Republic of China as an extraregional member of the Central American Bank for Economic Integration.

To note the importance of the institutionalization of a mechanism of coordination with a view to broadening cooperation between the Government of the Republic of China and the region through the establishment of a joint cooperation commission between the countries of the Central American isthmus and the Republic of China, to be presided over by the Ministers for Foreign Affairs.

35. To reiterate their support for the initiative "Central America: health and peace for development and democracy", and to grant the highest priority

and political and financial support to the urgent development of national plans for the prevention and control of cholera, and the decision to eradicate measles in the region by 1997.

To support the proposal of Panama to devise mechanisms to restore the Gorgas Commemorative Institute as a Central American laboratory.

36. To reaffirm their commitment to the protection of the environment, with a view to the establishment of a new regional ecological order designed to guarantee sustainable development. In this respect, the Presidents received from the Central American Commission on Environment and Development a draft "Central American Declaration for UNCED/92". In expressing appreciation to the Commission, they instruct it to keep up its contacts with their respective governmental authorities in order to formulate concrete proposals.

To express their support for the proposal of Costa Rica that at the forthcoming United Nations Conference on Environment and Development, to be held in Brazil next year, a "Planet Earth Council" should be established, consisting of a group of eminent persons, in order to consider global aspects of the environment.

To support the initiative "Regional programme on women, the environment and development" put forward by the first ladies of Central America, and to request the Central American Commission on Environment and Development to define a strategy on this matter for the region as soon as possible.

To instruct the Central American Commission on Environment and Development, in conjunction with their governmental authorities, to formulate a regional proposal on climate change, taking into account Costa Rica's proposal.

37. To instruct the Ministers or officials in the housing sector to join the Central American housing and human settlements Council within 90 days, and to welcome the offer by Honduras to act as secretariat during the period prior to the constituent meeting.

To call on the Council to coordinate efforts to strengthen plans, programmes and projects for the comprehensive development of housing and human settlements, stressing the adoption of national policies and strategies in line with Central American integration.

38. To seek international support for the investment plan in the transport sector, PRODECA, drawn up by the Ministers concerned, designed to offer better conditions for international and regional trade, and in particular to promote non-traditional exports.

To support the inclusion within the "programme of highways for integration" of four projects for rehabilitation and one project for new

construction within Panamanian territory, which will extend Central American transport routes to Panama.

39. To support the regional strategies and actions undertaken in various fields, as described in the documents annexed to this Declaration:

(a) Report of the Social Affairs Committee;

(b) Document entitled "The Strategic Option: Health within the framework of sustainable and equitable development", and document entitled "Repercussions of the economic crisis of the 1980s on the health of Central America - Responses and resulting changes in the 1990s";

(c) Report of the Council of Ministers of Agriculture of the Central American isthmus;

(d) Document entitled "Agreements of the Ministers of Education of Central America in support of the Presidential summit meeting";

(e) Document of the Ministers of Labour entitled "Social development policies";

(f) Regional project for the scientific and technological development of production sectors;

(g) Plan of action for the development of tourism in Central America: Tourism as a factor of development;

(h) Regional plan for the organization and development of fisheries in the Central American isthmus;

(i) Draft Central American Declaration for the world Conference on Environment and Development (UNCED/92), and draft Central American Declaration on climate change;

(j) Proposal of the Regional Council for the General Welfare of Disabled Minors;

(k) Tegucigalpa Declaration of the Federation of Municipalities of the Central American Isthmus (FEMICA).

40. Welcoming the presence of the Prime Minister of Belize, Mr. George Price, to invite this sister country to play a significant role in the process of development and integration of the isthmus.

41. Analysing the far-reaching changes which are taking place on the international political scene, to express their satisfaction at the consolidation of democracy as a system which allows the free expression of the

people's will and promotes the safeguarding of the civil, political, social, economic and cultural rights of peoples.

At the same time, they expressed the hope that the military conflicts which still persist in the world will be resolved quickly by peaceful means and will not threaten the stability that is beginning to emerge within the new scheme of international relations.

The Presidents drew attention to the need to revitalize the North-South dialogue as a mechanism for establishing channels of economic cooperation and trade, so as to promote just and balanced economic development under this new scheme, and stressed the importance in that connection of the restructuring of the United Nations Conference on Trade and Development, the Group of 77 and the Movement of Non-Aligned Countries.

42. To condemn in the strongest terms the coup d'état perpetrated in Haiti against the elected Government, and to reaffirm their support for the efforts being made by the Organization of American States to restore democracy and constitutional order in that country.

43. To meet on 4 and 5 June 1992 in the Republic of Nicaragua.

44. The Presidents of Costa Rica, El Salvador, Guatemala, Nicaragua and Panama, and the Prime Minister of Belize, thanked the President of Honduras, Mr. Rafael Leonardo Callejas and, through him, the Government and people of Honduras, for the hospitality and kindness received, which made a significant contribution to the success of the meeting.

Tegucigalpa, Central District, Republic of Honduras
13 December 1991

RAFAEL ANGEL CALDERON FOURNIER
President of the Republic
of Costa Rica

ALFREDO F. CRISTIANI BURKARD
President of the Republic
of El Salvador

JORGE SERRANO ELIAS
President of the Republic
of Guatemala

RAFAEL LEONARDO CALLEJAS ROMERO
President of the Republic
of Honduras

VIOLETA BARRIOS DE CHAMORRO
President of the Republic
of Nicaragua

GUILLERMO ENDARA GALIMANY
President of the Republic
of Panama

INVITED OBSERVER
GEORGE PRICE
Prime Minister of Belize

ANNEX II

Tegucigalpa Commitment

WE

The Presidents of the Central American Republics and the Prime Minister of Belize, bound together by the ideals of social responsibility, unity and integration, reaffirm our duty to work towards the comprehensive well-being of all Central Americans, and accordingly:

Pledge to make every effort to promote a genuine process of human development in our region, with the emphasis on children and youth.

The pursuit of human development is geared towards reaffirming the status of human beings as the focus of social, economic and political activity through integrated action in such areas as the generation of employment and income, food and nutrition, the quality of the environment, access to basic health services, sanitation, housing, education, and community development and organization.

We are united in the belief that economic growth constitutes the sine qua non for the improvement of social conditions in the countries of the region. We reaffirm that our approach to development gears economic growth towards serving the people and improving their living conditions, thereby enabling them fully to realize their potential.

This approach assumes special significance when our strategies and activities focus on children, youth and women, paying special attention to the basic needs of the poorest sectors of the populations of Central America. That is what we proclaimed in signing the World Declaration on the Survival, Protection and Development of Children, within the framework of the Global Strategy for Health for All by the Year 2000, and the World Declaration on Education for All.

We propose to tackle economic and social backwardness with renewed determination. In this connection, we pledge together with our peoples to intensify efforts to achieve the objectives and targets of the national action plans formulated in each country under our responsibility.

Those national action plans define the political priorities of Governments, set specific targets quantified in terms of goods and services, allocate resources and fix deadlines for targets to be met. They show resource gaps which exceed the significant internal outlay of funds.

The national action plans will support viable and productive social projects, and for this purpose we are enlisting the private sector with a view to generating employment and mobilizing the potential of the poorest sectors in the pursuit of their own economic and productive development. In the final

analysis, decent, more productive, more skilled and better paid jobs, an increase in employment and generation of greater prosperity will have to be the primary weapons against poverty.

The formulation of those plans has led to a dialogue permitting integrated action and common interests within society in the search for solutions commensurate with social requirements and their relationship to economic policies.

The political and technical process in the countries concerned will be reflected in a regional programme for human development being formulated on the basis of the national action plans presented; it should be concluded in March 1992.

To that end, we agree to establish, with presidential representatives, a regional coordination agency to promote human development with a view to following up the objectives and targets proposed in the national action plans - as well as the regional initiatives based on those plans - coordinating ongoing sectoral efforts and cooperating as much as possible with regional integration and development organizations and with the international community as a whole.

In this connection, the Governments and the regional agency coordinating human development efforts will give top priority to the adequate and timely channelling of the existing resources that we made great efforts to mobilize, and to the obtaining of external inputs that are essential to the attainment of the goals of the present Commitment. The Central American Bank for Economic Integration will be actively involved in this task.

This Commitment constitutes the genuine expression of a national and regional will to achieve sound and lasting results in the improvement of the standard and quality of life of millions whose lives and potential are today in grave danger of being wasted. Accordingly, we have taken into account the declarations, studies and recommendations of our ministers, first ladies, congresses or legislative assemblies, and of the supreme courts of justice of the region.

We acknowledge the support of the agencies engaged in international technical cooperation, above all UNDP and UNICEF, which have collaborated very constructively in this Central American effort. We invite all the agencies engaged in international technical cooperation to continue with us in this process, particularly in the implementation, follow-up and evaluation stages.

We reaffirm our decision to keep improving these national and regional arrangements, to which non-commercial partnerships may become parties through any economic institution or organization, especially private associations, the option also being available to non-governmental development agencies, churches, cultural groups, community groups and labour organizations. Likewise, we advocate active participation on the part of all those benefiting directly from the results of these efforts.

In order to consolidate this Commitment with the help of the new generations, we urge political parties and organizations in Central America to endorse these commitments and targets, thus guaranteeing to our peoples that there will be continuity in the efforts to fulfil them, and thus contributing to the strengthening of peace, democracy and human development in the region.

On the basis of this community of purpose and resources among our nations, we launch an appeal to the international community to extend to us, as a tangible expression of international solidarity, the assistance we need in order to attain our objectives and close the aforementioned gaps.

This summit meeting has witnessed a convergence of efforts undertaken with increasing social involvement; their cumulative results will go towards creating a better standard and quality of life for societies and individuals.

With this Tegucigalpa Commitment, we are promoting an encouraging process which has human development at its core and is opening up new prospects for the children, youth and women of Central America.

Tegucigalpa, Central District, Republic of Honduras
12 December 1991

RAFAEL ANGEL CALDERON FOURNIER
President of the Republic
of Costa Rica

ALFREDO F. CRISTIANI BURKARD
President of the Republic
of El Salvador

JORGE SERRANO ELIAS
President of the Republic
of Guatemala

RAFAEL LEONARDO CALLEJAS ROMERO
President of the Republic
of Honduras

VIOLETA BARRIOS DE CHAMORRO
President of the Republic
of Nicaragua

GUILLERMO ENDARA GALIMANY
President of the Republic
of Panama

INVITED OBSERVER

GEORGE PRICE
Prime Minister of Belize

AS HONORARY WITNESSES:

Joao Clemente Baena Soares
Secretary General
Organization of American States

William Draper III
Administrator, UNDP

James P. Grant
Executive Director, UNICEF

Nafis Sadik
Executive Director, UNFPA

ANNEX III

Tegucigalpa Protocol to the Charter of the Organization of Central American States (ODECA)

The Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama:

WHEREAS:

It is necessary to revise the legal framework of the Organization of Central American States (ODECA), adapting it to current realities and needs, in order to secure the effective attainment of Central American integration; and

Such adaptation must be geared towards the establishment and consolidation of the Central American Integration System, which will provide follow-up in respect of all decisions adopted at Meetings of Presidents and coordinate their implementation;

ACCORDINGLY:

Decide to amend the Charter of the Organization of Central American States (ODECA), signed at Panama City, Republic of Panama, on 12 December 1962, by means of this Protocol. To that end, the constitutional Presidents of the above Republics agree on the following Central American Integration System:

NATURE, OBJECTIVES, PRINCIPLES AND ENDS

Article 1

Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama constitute an economic and political community which seeks to promote the integration of Central America. To that end, the Central American Integration System is hereby constituted, comprising the original Member States of ODECA, and Panama, which is joining as a Member State.

Article 2

The Central American Integration System shall provide the institutional framework for the regional integration of Central America.

Article 3

The fundamental objective of the Central American Integration System is to bring about the integration of Central America as a region of peace, freedom, democracy and development.

To that end, the following objectives are hereby reaffirmed:

(a) To consolidate democracy and strengthen its institutions on the basis of the existence of Governments elected by universal and free suffrage with secret ballot, and of unrestricted respect for human rights;

(b) To define a new regional security model based on a reasonable balance of forces, the strengthening of civilian government, the elimination of extreme poverty, the promotion of sustained development, protection of the environment, and the eradication of violence, corruption, terrorism, and trafficking in drugs and arms;

(c) To promote a comprehensive system of freedom that will ensure the full and harmonious development of the individual and of society as a whole;

(d) To achieve a regional system of well-being and economic and social justice for the peoples of Central America;

(e) To achieve an economic union and strengthen the financial system of Central America;

(f) To strengthen the region as an economic bloc to provide for its successful participation in the international economy;

(g) To reaffirm and consolidate Central America's self-determination in terms of its external relations by means of a unified strategy to strengthen and broaden participation by the region as a whole in the international sphere;

(h) To promote, in a harmonious and balanced manner, the sustained economic, social, cultural and political development of the Member States and of the region as a whole;

(i) To carry out concerted action to protect the environment through respect for and harmony with nature, while ensuring balanced development and the rational exploitation of the natural resources of the area, with a view to establishing a new ecological order in the region;

(j) To establish the Central American Integration System on the basis of an institutional and legal order and mutual respect between Member States.

Article 4

In order to attain the above objectives, the Central American Integration System and its Members shall proceed in accordance with the following fundamental principles:

(a) The protection of, respect for and promotion of human rights shall constitute the fundamental basis of the Central American Integration System;

(b) Peace, democracy, development and freedom constitute a harmonious and indivisible whole which shall guide the acts of the States Members of the Central American Integration System;

(c) Central American identity as an active manifestation of regional interests and of the will to participate in consolidating the integration of the region;

(d) Central American solidarity as an expression of its profound interdependence, origins and common destiny;

(e) The phased, specific and progressive nature of the process of economic integration, based on harmonious and balanced regional development, with special treatment for relatively less developed Member States, and on equity and reciprocity, and the Central American Exception Clause;

(f) The comprehensive nature of the integration process and the democratic participation therein of every social sector;

(g) Legal certainty with respect to relations between the Member States and the peaceful settlement of their disputes;

(h) Good faith on the part of the Member States in the discharge of their obligations; Member States shall abstain from establishing, agreeing to or adopting any measure that contravenes the provisions of this instrument or that impedes compliance with the fundamental principles of the Central American Integration System or the attainment of its objectives;

(i) Respect for the principles and norms of the Charters of the United Nations and the Organization of American States (OAS) and the Declarations issued at the Meetings of Presidents of Central America since May 1986.

MEMBERS

Article 5

The Members of the Central American Integration System shall be those Central American States that fully accept the obligations set forth in this Charter by means of their approval or ratification thereof or accession thereto, and that implement this Charter in accordance with the provisions of article 36 hereof.

Article 6

Member States shall undertake to abstain from the adoption of any unilateral measure that may endanger the attainment of the objectives and compliance with the fundamental principles of the Central American Integration System.

Article 7

The Prior Consultation Procedure is hereby established as a permanent system between Member States for those cases in which no previous policy approach exists with regard to economic relations and cooperation between Central America and extraregional entities.

INSTITUTIONAL STRUCTURE

Article 8

This Protocol amends the Central American institutional structure, previously regulated under the framework of ODECA, to which are hereby linked the organs and institutions which relate to integration, and which shall enjoy functional autonomy within the framework of the requisite overall intersectoral coordination to ensure the efficient implementation of and ongoing follow-up to decisions issued at the Meetings of Presidents.

The functioning of the institutional structure shall guarantee the balanced and harmonious development of the economic, social, cultural and political sectors.

Article 9

The organs and institutions of the Central American Integration System shall be guided by the objectives and principles set forth in this Protocol and shall have regard to such objectives and principles in their decisions, studies and analyses as well as in the preparation of all meetings.

Article 10

The organs and institutions of the Central American Integration System shall contribute to effective compliance with and implementation of the objectives and principles of this Protocol. This obligation shall take overriding precedence in all supplementary or subordinate legislation, which shall guarantee in all cases that decisions shall be made public and that proceedings shall be open to those individuals concerned in accordance with the nature of each organ and institution and the matters in question.

Article 11

The Central American Integration System shall ensure the efficiency and effectiveness of the functioning of its organs and institutions by ensuring unity and coherence in intraregional activities and in relations with third States, groups of States and international organizations.

ORGANS

Article 12

For the purposes of attaining the ends of the Central American Integration System, the following organs are hereby established:

(a) The Meeting of Presidents;

(b) The Council of Ministers;

(c) The Executive Committee;

(d) The General Secretariat.

The following shall constitute part of this System:

The Meeting of Vice-Presidents and Officials of the Office of the President of the Republic, which will act as an advisory and consultancy organ. The Meeting shall normally be held every six months and, exceptionally, at the request of the Vice-Presidents. Its decisions shall be adopted by consensus.

Without prejudice to the provisions of article 4 of the Transitional Provisions, the Central American Parliament shall act as an organ for exposition, analysis and recommendation; its functions and attributes shall be those provided for under its Constituent Treaty and Protocols currently in force.

The Central American Court of Justice, which shall guarantee respect for the law in the interpretation and implementation of this Protocol and its supplementary instruments and acts pursuant to it. The integration, functioning and attributions of the Central American Court of Justice shall be regulated in the Statute of the Court, which shall be negotiated and signed by the Member States within 90 days of the entry into force of this Protocol.

The Consultative Committee shall comprise representatives of business, labour, the academic sector and other community leaders within Central America representing the economic, social and cultural sectors and committed to the endeavour to attain the integration of Central America.

The role of the Committee shall be to advise the General Secretariat with regard to the Organization's policies in the development of the programmes being executed.

MEETING OF PRESIDENTS

Article 13

The Meeting of Presidents shall be the supreme organ of the Central American Integration System.

Article 14

The Meeting of Presidents shall consist of the constitutional Presidents of the Member States and shall meet in ordinary session every six months and in extraordinary session by decision of the Presidents. Its decisions shall be adopted by consensus. The country hosting the Meeting of Presidents shall speak on behalf of Central America during the six months following the holding of the Meeting.

Article 15

The Meeting of Presidents shall be seized of regional questions on which it is required to take decisions, with regard to democracy, development, freedom, peace and security.

The Meeting of Presidents shall be required in particular to:

(a) Define and direct Central American policy by establishing guidelines for the integration of the region, as well as the provisions necessary to ensure the coordination and harmonization of the activities of the bodies and institutions of the region, and the verification, monitoring and follow-up of its mandates and decisions;

(b) Harmonize the foreign policies of its States;

(c) Strengthen regional identity as part of the ongoing process of consolidating a united Central America;

(d) Approve, where appropriate, amendments to this Protocol submitted pursuant to article 37 thereof;

(e) Ensure fulfilment of the obligations contained in the present Protocol and in the other agreements, conventions and protocols which constitute the legal order of the Central American Integration System;

(f) Decide on the admission of new members to the Central American Integration System.

COUNCIL OF MINISTERS

Article 16

The Council of Ministers shall be composed of the ministers holding the relevant portfolios, or exceptionally, duly authorized vice-ministers. The competent minister of the Member State speaking on behalf of Central America pursuant to article 14 of this Protocol shall act as President of the respective Council of Ministers during the relevant six-month term.

The Council of Ministers shall be required to provide the necessary follow-up to ensure the effective implementation of the decisions adopted by the Meeting of Presidents in the sector in which it is competent, and to prepare the topics for possible discussion by the Meeting.

Depending on the nature of the subjects to be considered, the Ministers may hold intersectoral meetings.

The Council of Ministers for Foreign Affairs shall be the main coordinating body.

Article 17

The Council of Ministers for Foreign Affairs shall be responsible for matters relating to the process of democratization, peacemaking, regional security and other political matters, as well as the coordination and follow-up in respect of political decisions and measures in the economic, social and cultural sectors which may have international repercussions. It shall also be responsible for approving the budget of the central organization, drawing up the agenda and making preparations for the Meetings of Presidents, representing the region vis-à-vis the international community, implementing the decisions of the Presidents in the field of regional international policy, issuing recommendations concerning the accession of new members to the Central American Integration System and deciding on the admission of observers to the System.

The Council of Ministers for Foreign Affairs shall take cognizance of the proposals of the various ministerial forums so that it may bring them to the attention of the Meeting of Presidents, together with its comments and recommendations.

Article 18

The Council of Ministers responsible for economic integration and regional development shall be responsible for implementing the decisions of the Meeting of Presidents concerning economic integration, and fostering economic policies geared towards regional integration.

Article 19

The Council of Ministers responsible for other sectors shall be responsible for dealing with matters falling within their respective terms of reference.

Article 20

The intersectoral meeting of Ministers for Foreign Affairs and Ministers responsible for economic integration and regional development shall be responsible for analysing, discussing and proposing to the Presidents the regional strategy for the active participation of the region in the international economic system, and for implementing that strategy jointly.

Article 21

In order to be quorate, meetings of the Council of Ministers must be attended by all the respective ministers, or, exceptionally, by duly authorized vice-ministers.

Each Member State shall have a single vote within the Council of Ministers. Decisions on matters of substance must be adopted by consensus. If there is doubt as to whether a decision concerns substance or procedure, the question shall be settled by a majority vote.

The various ordinary, sectoral or intersectoral meetings of the Council of Ministers shall be convened as often as necessary or at the request of one of the members or of the Meeting of Presidents.

Article 22

Without prejudice to the provisions of article 10, the decisions of the Council of Ministers shall be binding on all Member States and only provisions of a legal nature may serve to prevent their application. In such cases, the Council shall give further consideration to the matter by means of appropriate technical studies and, if necessary, shall adapt its decision to the needs of the legal system in question.

However, such decisions may be applied by those Member States which have not objected to them.

Article 23

The Executive Committee and the General Secretariat shall be the permanent organs of the Central American Integration System.

EXECUTIVE COMMITTEE

Article 24

The Executive Committee shall be composed of one representative of each Member State. Such representatives shall be appointed by the respective Presidents through the Ministers for Foreign Affairs.

The Executive Committee shall be chaired by the representative of the State which hosted the most recent ordinary Meeting of Presidents. The Committee shall meet in ordinary session once a week and in extraordinary session when convened by its Chairman.

The tasks of the Executive Committee shall be to:

(a) Ensure the effective implementation, through the General Secretariat, of the decisions adopted by the Meetings of Presidents;

(b) Ensure compliance with the provisions of the present Protocol and instruments additional thereto or emanating therefrom;

(c) Establish sectoral policies and, through its chairman, submit to the Council of Ministers for Foreign Affairs the proposals necessary to comply with the general guidelines issued by the Meetings of Presidents;

(d) Through its Chairman, submit to the Council of Ministers for Foreign Affairs the draft budget of the central organization of the Central American Integration System;

(e) Propose to the Council of Ministers for Foreign Affairs the establishment of such secretariats and subsidiary bodies as it may deem necessary for the effective fulfilment of the objectives of the Central American Integration System, particularly in order to permit the participation of all the sectors involved in the comprehensive development of the region and the global integration process;

(f) Approve the regulations or instruments drawn up by the secretariats or other bodies or secretariats of the Central American Integration System;

(g) Review the half-yearly progress reports of the General Secretariat and other secretariats and transmit them, together with the comments and recommendations of the respective Councils of Ministers, to the Council of Ministers for Foreign Affairs at least one month prior to its last meeting before the Meeting of Presidents, so that the Council of Ministers for Foreign Affairs may bring those comments and recommendations to the attention of the Meeting;

(h) Undertake any other tasks specified in the present Protocol and instruments additional thereto or emanating therefrom.

GENERAL SECRETARIAT

Article 25

The General Secretariat shall be headed by a Secretary-General who shall be appointed by the Meeting of Presidents for a period of four years.

Article 26

The Secretary-General shall be the chief administrative officer of the Central American Integration System and the legal representative of the System.

The Secretary-General must be a national of any Member State and shall have a demonstrated commitment to the integration process, a high degree of impartiality, independent judgement and integrity.

The Secretary-General shall be required to:

(a) Represent the Central American Integration System in the international arena in accordance with the provisions of this Protocol and when called upon to do so by the Council of Ministers;

(b) Execute or coordinate the execution of mandates emanating from the Meeting of Presidents, the Council of Ministers and the Executive Committee;

(c) Prepare the administrative regulations and other instruments of the General Secretariat and transmit them for consideration by the Executive Committee;

(d) Negotiate and sign, with the approval of the relevant Council of Ministers, international instruments which fall within their spheres of competence, in accordance with the principles and purposes of this Protocol;

(e) Ensure financial and technical cooperation among States, groups of States, organizations and other international bodies as required for the smooth functioning of the Central American Integration System and the attainment of Central American objectives, and, to that end, sign contracts and agreements and accept donations and other extraordinary contributions;

(f) Prepare a programme of work, an annual progress report and the budget estimate, and submit them to the Executive Committee;

(g) Participate as a full member in all bodies of the Central American Integration System and head the permanent secretariat of the Meeting of Presidents, providing secretariat services and other necessary technical and administrative services;

(h) Monitor the implementation of the provisions of this Protocol and of instruments emanating therefrom or additional thereto, and the implementation

by all regional integration bodies and institutions of decisions of the Meeting of Presidents and the Council of Ministers. To that end, the Secretary-General may meet with such bodies and institutions whenever he deems it appropriate or is directed to do so by the Executive Committee;

(i) Ensure that Member States make their assessed contributions and extraordinary contributions, if any, to the regular budget;

(j) Appoint and dismiss the technical and administrative staff of the General Secretariat, in accordance with the relevant regulations, giving due consideration to the proportional representation of candidates from all Member States;

(k) Direct the attention of the organizations of the System to any situation which, in his view, may affect the pursuit of the principles or purposes of the System or jeopardize its institutional order;

(l) Exercise all other functions entrusted to him under this Protocol or by the executive organs, and functions created by instruments additional to or emanating from the Protocol.

Article 27

The General Secretariat and the Secretariat staff shall act solely in order to serve the Central American Integration System and shall not seek or receive instructions from any Government.

Each Member State undertakes to respect the Central American character of the Secretariat staff and not to seek to influence it in the discharge of its responsibilities.

Article 28

The secretariat responsible for economic affairs shall be the Permanent Secretariat of the General Treaty on Central American Integration (SIECA), which shall retain the legal personality, attributions and functions accorded it by that Treaty.

SIECA shall report on its activities to the System Secretariat with a view to promoting the harmonious and balanced treatment of economic issues with political, social and cultural issues, within the context of the full integration of the Central American region.

GENERAL PROVISIONS

Article 29

The Central American Integration System shall have legal personality and shall have its seat at San Salvador, El Salvador; it shall conclude a headquarters agreement with El Salvador for the central organization of the System.

Article 30

The Central American Integration System shall be legally entitled to carry out its functions and pursue its purposes at the international level and in each of its Member States. Specifically, it may acquire or dispose of movable and immovable property, conclude contracts and agreements, appear before a court of law, hold funds in any currency and make transfers.

Article 31

The Central American Integration System may, within its sphere of competence, conclude treaties or agreements with third States or organizations, in keeping with the purposes and principles of this instrument. It may also conclude partnership agreements with third States which specify reciprocal rights and duties and, where appropriate, acknowledge the equitable and complementary treatment to be accorded the System in its relations with organizations or States which are more developed.

The Secretary-General shall submit such initiatives or proposals for consideration by the Executive Committee, which will transmit them, with its observations and recommendations, to the Council of Ministers for Foreign Affairs.

Telephone or other electronic communications and the correspondence of the System shall be exempt from any charge in the territory of Member States.

Article 32

The States Members of the Central American Integration System shall make assessed contributions of equal amounts for the support of the System and its organizations.

Article 33

The Council of Ministers for Foreign Affairs and Ministers responsible for economic integration and regional development shall organize and institute an auditing and financial inspection system for the organs and institutions of the Central American Integration System.

Audit and financial inspection reports shall be published annually in the Official Gazettes of Member States.

Article 34

Instruments additional to or emanating from this Protocol which are signed in accordance with its provisions may enter into force by means of executive agreements.

Article 35

This Protocol and instruments additional thereto and emanating therefrom shall take precedence over any bilateral or multilateral agreement or protocol between Member States on matters relating to Central American integration. However, the provisions of such agreements or treaties shall remain in force between such States so long as they do not contravene this Protocol or hinder the pursuit of its purposes and aims.

Any dispute concerning the implementation or interpretation of the provisions of this Protocol and other instruments referred to in the preceding paragraph shall be submitted to the Central American Court of Justice.

Article 36

This Protocol shall be approved or ratified by the Central American States in accordance with their respective constitutional procedures.

The Minister for Foreign Affairs of El Salvador shall be the initial depositary of the instruments of ratification and accession relating to this Protocol and shall transmit them for final deposit with the System Secretariat when it assumes its functions.

This Protocol shall be of indefinite duration and shall enter into force in the States that have ratified it eight days after the date on which a majority of the States that have signed the Charter of the Organization of Central American States deposit their instruments of ratification.

Upon entry into force, a certified copy of this Protocol shall be deposited with the Secretariats of the United Nations and the Organization of American States.

This Protocol shall be open to accession by Belize, which may also negotiate a partnership or association agreement.

Article 37

Draft amendments to this Protocol shall be submitted for consideration by the Meeting of Presidents through the Council of Ministers for Foreign Affairs.

Article 38

This instrument shall not be subject to reservations.

TEMPORARY PROVISIONS

Article 1

The bodies and institutions created under the Procedure for the Establishment of a Firm and Lasting Peace in Central America and those having their origin in integration efforts undertaken prior to this Protocol shall be included in the Central American Integration System provided they are found to be compatible with its purposes, principles and organizational structure pursuant to a study of the institutional legal system.

Article 2

Pending the establishment of the Executive Committee, its powers shall be assumed directly by the Council of Ministers for Foreign Affairs.

Article 3

For the purposes of article 35, paragraph 2, and pending the establishment of the Central American Court of Justice, disputes concerning the implementation or interpretation of the provisions of this Protocol shall be submitted to the Central American Judicial Council.

Article 4

The provisions of article 12 which concern the Central American Parliament shall apply to States that have already ratified the Constituent Treaty and the Protocols thereto.

IN WITNESS WHEREOF, the constitutional Presidents of the Central American Republics sign this Protocol in six original copies at Tegucigalpa, Central District, Honduras, on 13 December 1991.

TEGUCIGALPA PROTOCOL TO THE CHARTER OF THE ORGANIZATION OF CENTRAL AMERICAN STATES (ODECA)

RAFAEL ANGEL CALDERON FOURNIER
President of the
Republic of Costa Rica

ALFREDO F. CRISTIANI BURKARD
President of the
Republic of El Salvador

JORGE SERRANO ELIAS
President of the
Republic of Guatemala

RAFAEL LEONARDO CALLEJAS ROMERO
President of the
Republic of Honduras

VIOLETA BARRIOS DE CHAMORRO
President of the
Republic of Nicaragua

GUILLERMO ENDARA GALIMANY
President of the
Republic of Panama